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# Environmental Impact Assessment Record of Determination

## A828 North of Benderloch

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# Project Details

## Description

BEAR Scotland has been commissioned by Transport Scotland to carry out resurfacing works and structural maintenance on a section of the A828 trunk road. The works will take place over a length of 1,380m and an area of 0.8418ha. Carriageway resurfacing and structural maintenance will involve the milling out and replacement of bituminous material. Following the resurfacing works, road markings will be reinstated. Works have been identified from surface and structural deterioration and works are proposed to address these issues. The Works will include:

- Set up traffic management (TM) and mark out site
- Mill out old surface course
- Lay new surface course
- Roll surface and allow it to go off
- Install road markings
- Remove TM and open road

The works are currently programmed for delivery within the 2026/2027 financial year, with a proposed start date of mid-October 2026. The resurfacing works will be undertaken over a total of 10 nights (19:00-06:00). Changes in the programmes may result in a change to the proposed working hours/commencement dates.

Traffic management (TM) will involve road closure during working hours (19:00 – 06:00) with amnesties at 20:00, 21:00, 22:00, 23:00, 00:00, 02:00 and 04:00. Local access will be accommodated within TM as much as is reasonably practicable.

## Location

The scheme is located on the A828 on the southern bank of Loch Creran, approximately 2km north of the village of Benderloch, within the Argyll and Bute Council administrative area (Figure 1) between the following National Grid References (NGRs):

- Start: NM 92056 40376; End: NM 93330 40756

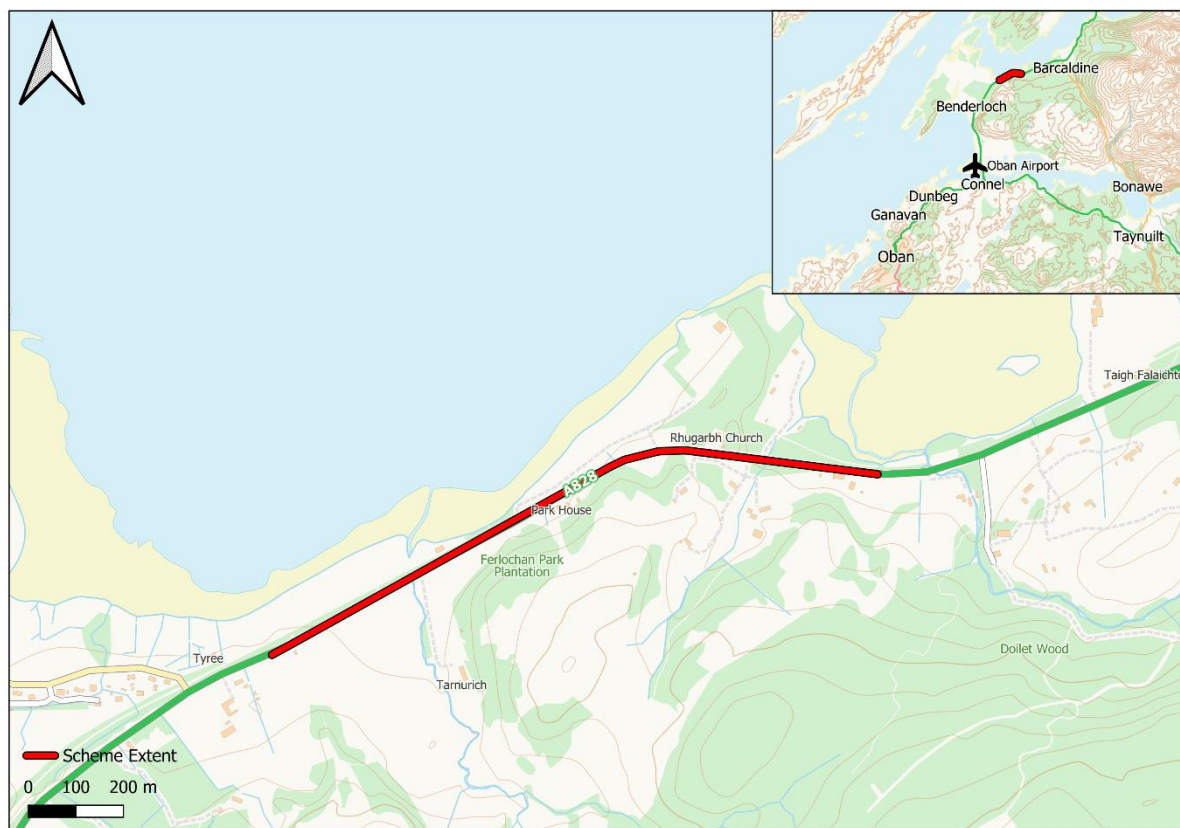


Figure 1. A828 North of Benderloch Scheme Extent

# Description of local environment

## Air quality

There are no active Air Quality Management Areas (AQMA) located within 10km of scheme extents ([Scottish Air Quality](#)).

There are no air quality monitoring sites located within 10km of the scheme extent ([Scottish Air Quality](#)).

One Scottish Pollutant Release Inventory (SPRI) site which records air pollutant releases is located within 10km of the scheme ([Scotland's Environment](#)). The Scottish Sea Farms processing plant at South Shian is located approximately 1.8km west of the scheme at its nearest point and monitors hydrochlorofluorocarbons (HCFCs). However, no annual HCFC monitoring data has been published since 2014.

Due to the semi-rural nature of the works, air quality is anticipated to be quite high throughout the scheme extents, with baseline air quality is likely influenced by traffic along the A828 trunk road, with secondary sources derived from day-to-day rural activity.

## Cultural heritage

One group of Listed Buildings is located within 300m of the scheme extent ([PastMap](#)). The buildings associated with Mill Farm (LB6435) are Category B listed, with the closest building situated approximately 170m southeast of the scheme extent at its closest extent.

Of lesser cultural heritage value, a number of Historic Environment Records (HER) and National Record of Historic Environment (NRHE) were identified during the desktop study within 300m of the scheme. The closest HER is associated with Barcaldine Old Schoolhouse (ref: 43231), located approximately 45 m south of the scheme's closest extent. The closest NRHE is associated with Rhugarbh Church (ref: 388776), located approximately 25m north of the scheme's closest extent ([PastMap](#)).

No Scheduled Monuments, Conservation Areas, Garden and Designed Landscapes, Battlefields or World Heritage sites were identified within 300m of the scheme ([PastMap](#)).

The construction of the A828 trunk road and bridge will likely have exposed any potential items of cultural heritage interest present within the upper engineered layers, and as such, the likelihood of presence of undiscovered features is considered low.

## Landscape and visual effects

The scheme does not fall within a National Park (NP), National Nature Reserve (NNR) or a Local Nature Reserve (LNR) ([SiteLink](#)).

However, the scheme does partially lie within the Lynn of Lorn National Scenic Area (NSA) (NatureScot site code: [9140](#)), which has the following special qualities:

- A long-inhabited, green oasis
- A small scale, low-lying landscape within a vast highland backdrop
- A landscape strongly orientated northeast-southwest
- The coastline of great variety and diversity
- A strategic location, rich in history
- A place of retreat and seclusion
- Castle Stalker, one of Scotland's iconic romantic images

Landscape Character Type for the scheme is listed as 'Lowland Ridges and Moss' ([LCT 51](#)), which has the following key characteristics:

- Coastal lowland with low ridges separating narrow, linear glens or flat areas of moss.
- Ridges form low, narrow peninsulas enclosing small, horseshoe-shaped bays.
- Rocky ridges are densely wooded and linear glens are a patchwork of marginal pastures.
- Shoreline and off-shore islands have a more undulating landform and a more open character.
- Landform becomes lower and ridges less pronounced towards the south, where there are extensive areas of flat, peaty moss.
- Some relatively large houses in sheltered coves, with scattered, more recent development elsewhere.

The land use surrounding the scheme is listed as Rectilinear Fields and Farms, Managed Woodland, Rough Grazing, Smallholdings, Shellfish Farm and Urban Area ([HLA Map](#)).

The land surrounding the scheme comprises managed woodland, rural houses and agriculture fields.

The A828 trunk road connects Connel with South Ballachulish. It commences at the A828 / A85 junction in Connel leading generally north-eastwards for a distance of 51 kilometres to its junction with the A82 in South Ballachulish. The A828 is a single carriageway along its length.

## Biodiversity

Loch Creran Special Area of Conservation (SAC) (NatureScot site code: [8294](#)) and Loch Creran Marine Protection Area (Nature Conservation) (MPA(NC)) (NatureScot site code: [10415](#)) overlap boundaries and lie approximately 65m north of the scheme's closest extent.

Due to the proximity and potential ecological connectivity between the works and above designated sites, a Habitats Regulations Appraisal (HRA) has been produced. Refer to the relevant assessment section below for details.

There are no locally or nationally designated sites for biodiversity (i.e. Sites of Special Interest (SSSI), National/Local Nature Reserves) within 300m of the scheme ([SiteLink](#)).

The National Biodiversity Network ([NBN](#)) Atlas holds several records of bird species within 2km of the scheme (the search criteria included only records during the past ten years, and which have open-use attributions (OGL-CC0-CC-BY)). Under the Wildlife and Countryside Act 1981 (as amended), all wild birds and their active nests are protected, with certain species receiving additional protections.

The NBN Atlas holds the following injurious and invasive native and non-native plants as listed in the Network Management Contract (NMC)) under the same search criteria:

- Broad-leaved dock (*Rumex obtusifolius*)
- Curled dock (*Rumex crispus*)
- Himalayan balsam (*Impatiens glandulifera*)\*
- Rosebay willowherb (*Chamaenerion angustifolium*)
- Spear Thistle (*Cirsium vulgare*)

\*Invasive non-native species (INNS) – *those most in need of control*.

Transport Scotland's Asset Management Performance System (AMPS) holds several records of rosebay willowherb within the verge of the A828 within the scheme extent.

The woodlands surrounding the scheme extent are listed on the Ancient Woodland Inventory Scotland, with one specific section of Ancient Woodland (of semi-natural origin) (ID: 13820) recorded as overlapping the trunk road within the scheme extent ([Scotland's Environment](#)).

There are no Tree Preservation Orders (TPOs) within 300m of the scheme ([Argyll and Bute Tree Preservation Orders](#)).

Habitat immediately surrounding the scheme extent comprises a mixture of deciduous woodland, open pasture, residential properties, managed gardens and aquatic habitat provided by Loch Creran.

Due to the restriction of works to the A828 trunk road boundary, and given the localised nature of the works, the potential for impacts to the surround environment and protected/notable species identified within the desktop study are considered to be low and a site visit as part of this assessment has been deemed unnecessary.

## Geology and soils

There are no Geological Conservation Review Sites (GCRSs), or geological SSSIs located within 300m of the scheme ([SiteLink](#)).

The [British Geological Survey](#) online mapping tool records that the bedrock within the scheme extents consist of:

- Beinn Donn Quartzite Formation-Graphitic pelite
- Beinn Donn Quartzite Formation-Quartzite

Superficial deposits within the scheme extents consist of the following layers:

- Raised marine and coastal zone deposits-Clay, silt and sand
- Hummocky (Moundy) Glacial Deposits-Diamicton, sand and gravel

According to Scotland's Soils Map, the soils within the scheme extent are classified as Humus-iron podzols and Noncalcareous gleys with humic gleys ([Scotland's Soils](#)).

The carbon and peatland 2016 map records soil within the scheme as 'Class 0' which are described as mineral soils where peatland habitats are not typically found on such soils ([Scotland's Soils](#)).

Works will be restricted to previously engineered ground within the A828 trunk road boundary. Therefore, this receptor has no constraints (as identified in Environmental Baseline) that are likely to be impacted by the proposed works and as such, 'geology and soils' is scoped out and is not discussed further within this RoD.

## Material assets and waste

The proposed works will entail the resurfacing of the A828 carriageway and re-instatement of road markings, with materials used to consist of:

- Asphaltic material
- Bituminous emulsion bond coat
- Milled in road studs
- Thermoplastic road marking paint

Wastes are anticipated to be primarily planings from the carriageway surface course. All road planings will be managed in accordance with the SEPA Position Statement WAS-PS-07 (Low Risk Waste Activity (LRWA 3) and recycled in line with SEPA Guidance WAS-G-DEF-05 on End-of-Waste for Recycled Aggregates. The Contractor will be responsible for ensuring full compliance with these requirements.

Coal tar has not been highlighted as being present within the schemes.

The value of the scheme does not exceed £350,000; therefore, a Site Waste Management Plan (SWMP) is not required.

## Noise and vibration

For residential, community and commercial receptors refer to the 'Population and Human Health' section below.

There are no Candidate Noise Management Areas (CNMA) within the scheme extents as defined by the Transportation Noise Action Plan (Road Maps) ([TNAP](#)).

The modelled day-evening-night average noise levels ( $L_{DEN}$ ) within the scheme extent are between 58 and 66dB ([ScotGov](#)).

The baseline noise and vibration level is influenced by traffic along the A828 trunk road, with secondary sources derived day-to-day rural activities.

## Population and human health

The scheme lies within a semi-rural section of the A828, with several properties located within 300m of the scheme extent. Several of these properties are within 15m of the trunk road with limited visual and acoustic screening.

As the scheme is situated within a semi-rural area there are several access roads and minor roads located within the scheme extents. A southbound layby is located within 10m of the scheme's most eastern extent.

Non-motorised user (NMU) facilities are present within the scheme extent, including a footpath adjacent to the northbound carriageway.

There is one Core Path located within 300m of the scheme, which is the C152(i) - Oban to Appin (National Cycle Network)), which utilises the northbound footpath within the scheme extent ([Argyll and Bute Council](#)). The path is also utilised by the National Cycle Network Route 78 ([NCN](#)).

There are no walking routes listed by [WalkHighlands](#) within 300m of the scheme extent.

A Transport Scotland Road Traffic Counter on the A828 Creagan Bridge (Site ID: 0000ATC08057), located approximately 6km north of the scheme's closest extent, recorded an Average Daily Traffic (ADT) flow in 2025 of 2,350 vehicles with 20.1% of them being Heavy Goods Vehicles (HGVs).

According to Scottish Road Works Commissioner, no other road works are scheduled within 300m of the scheme ([Scottish Road Works Commissioner](#)).

TM will consist of a road closure during working hours (19:00 – 06:00) with amnesty's at 20:00, 21:00, 22:00, 23:00, 00:00, 02:00 and 04:00.

## Road drainage and the water environment

The scheme lies entirely within the Kinlochleven groundwater body (ID: 150684) which was classified by Scottish Environment Protection Agency (SEPA) in 2024 as having an overall status of 'good' and is also recorded as a Drinking Water Protected Area (DWPAs) (Ground) ([SEPA](#)).

Loch Creran which is a coastal water body (ID: 200075) in the Scotland river basin district, was classified by SEPA in 2024 as having a 'good' overall status ([SEPA](#))

Several minor unnamed and/or unclassified tributaries or drainage ditches lie within 300m of the scheme extents, many of which are culverted under the A828 carriageway within the scheme extents.

The scheme falls within an area that has a varied chance (0-10% chance each year) of flooding from coastal, surface water and small watercourses ([SEPA Flood Map](#)).

## Climate

The [Climate Change \(Scotland\) Act 2009](#) ('The Act'), and its subsequent amendment under the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#), sets the framework for the Scottish Government to address climate change. The Act has an ambitious target to reach Net Zero greenhouse gas emissions by 2045, with any residual emissions balanced by removing carbon dioxide from the atmosphere. This is five years earlier than the rest of the UK due to the greater potential for carbon sequestration in Scotland.

The Act was amended to replace interim targets with carbon budgets. Carbon budgets are legally binding caps on greenhouse gas emissions in Scotland over five-year periods. In line with the Act, the Climate Change Committee (CCC) published advice on the level of Scotland's four carbon budgets, covering the period 2026 to 2045, recommending what the Scottish Government sets its carbon budgets at for annual average levels of emissions. These recommendations are based on an ambitious but credible route to Net Zero for Scotland by 2045.

Emissions reductions from surface transport are the largest contribution to meeting the first two carbon budgets. The pathway for surface transport emission reduction is primarily driven by the uptake of electric vehicles, in addition to measures to enable a shift from car use to public transport and active travel, which all play a role in reducing emissions from fossil fuel cars. Ensuring efficiency of existing transport infrastructure and improving/providing new active travel facilities is therefore important to support these carbon reduction budgets.

Transport is the largest contributor to harmful climate emissions in Scotland. In response to the climate emergency, Transport Scotland are committed to reducing their emissions by 75% by 2030 and to the above noted legally binding target of net-zero by 2045. Transport Scotland is committed to reducing carbon across Scotland's transport network and this commitment is being enacted through the Mission Zero for Transport ([Mission Zero for transport | Transport Scotland](#)).

## Policies and plans

This Record of Determination has been undertaken in accordance with all relevant regulations, guidance, policies and plans, notably including the Environment and Sustainability Discipline of the Design Manual for Roads and Bridges ([Design Manual for Roads and Bridges \(DMRB\)](#)) and Transport Scotland's Environmental Impact Assessment Guidance ([Guidance - Environmental Impact Assessments for road projects \(transport.gov.scot\)](#)).

# Description of main environmental impacts and proposed mitigation

## Air quality

Construction activities associated with the proposed works have the potential to temporarily cause local air quality impacts. Activities undertaken on site may cause dust and particulate matter to be emitted to the atmosphere. However, taking into account the nature and scale of the works and the following mitigation measures, the risk of significant impacts to air are considered to be low.

- A water-assisted dust sweeper will sweep the carriageway after dust-generating activities, and waste will be contained and removed from site as soon as is practicable.
- When not in use, plant and vehicles will be switched off; there will be no idling vehicles.
- All plant, machinery and vehicles associated with the works will be maintained in order to minimise emissions, as per manufacturing and legal requirements. No significant dust, particulate matter, and exhaust emissions sources will be introduced by the works.
- Cutting, grinding, and sawing equipment (if required) will be fitted or used in conjunction with suitable dust suppression techniques e.g., local exhaust ventilation system that fits directly onto tools.
- Regular monitoring (e.g., by engineer or Clerk of Works) will take place when activities generating air pollution are occurring. In the unlikely event that unacceptable levels of air pollution are emanating from the site, the operation will, where practicable, be modified and re-checked to verify that the corrective action has been effective. Actions to be considered include: (a) minimizing cutting and grinding on-site, (b) reducing the operating hours, (c) changing the method of working, etc.
- Green driving techniques will be adopted, and effective route preparation and planning will be undertaken prior to works.
- All delivery vehicles carrying material with dust potential will be covered when travelling to or leaving site, preventing the spread of dust beyond the work area.
- Activities involving cutting/planing will be appropriately managed to reduce the potential for dust creation. This will involve use of measures such as dampening down or on tool extraction where required.

- Material stockpiles will be reduced as far as is reasonably practicable by using a 'just in time' delivery system. All material will also be stored on made ground.
- Any stockpiled material on site will be monitored daily to ensure no risks of dust emissions exists.
- Materials will be removed from site as soon as is practicable.
- Good housekeeping will be employed throughout the work.
- Drop heights to haulage vehicles and onto conveyors will be minimised.

With the above mitigation measures in place, it is anticipated that any air quality effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this Record of Determination (RoD).

## Cultural heritage

There are cultural heritage sites (including four Listed Buildings) within 300m of proposed works, and excavation may unearth previously unrecorded artefacts. Accordingly, the following mitigation measures will be implemented:

- In the event of any unexpected archaeological finds, all works will cease immediately, the area will be cordoned off, and a member of the BEAR Environment Team will be contacted for advice. Historic Environment Scotland (HES) will be contacted as required.
- All site personnel will be briefed of the importance of cultural heritage value within the area.
- Laydown areas will be sensitively located (e.g., on areas of made ground) to avoid areas of cultural heritage interest where possible.
- There will be no storage of plant, materials or equipment against buildings, bridges, walls or fences; especially areas surrounding Listed Buildings adjacent to scheme extents which will all be highlighted within the Site Environmental Management Plan (SEMP).

With the above mitigation measures in place, it is anticipated that any cultural heritage effects associated with the proposed scheme are unlikely to be significant. This receptor is not considered further in this RoD.

## Landscape and visual effects

The scheme is located with the Lynn of Lorn NSA, however the works are like-for-like general maintenance of the trunk road surface and as such the works will not

result in any residual changes to the landscape character and special qualities associated with the NSA. Therefore, consultation with NatureScot regarding the works impact on the scenic value of the area is not required.

There will be a short-term impact on the landscape character and visual amenity of the site as a result of the presence of construction plant, vehicles, and TM, however this will be restricted to the construction duration only. Following the works, renewed road surface will be the only change. Land use will not change as a result of the works. No residual change is anticipated.

The following mitigation measures will be put in place during works:

- Throughout all stages of the works, the site will be kept clean and tidy, with materials, equipment, plant and wastes appropriately stored, reducing the landscape and visual effects as much as possible.
- Works will avoid encroaching on land and areas where work is not required or is not permitted. This includes general works, storage of equipment/containers and parking.
- Where applicable, upon completion of the works, any damage to the local landscape will be reinstated as much as is practicable.
- The site will be left clean and tidy following construction.

With the above mitigation measures in place, it is anticipated that any landscape and visual effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Biodiversity

The scheme is located within 2km of the Loch Creran SAC and Loch Creran MPA(NC), which are designated for aquatic habitat and species.

It was assessed that ecological connectivity exists between the proposed works and the designated sites due to the proximity to the scheme extent. BEAR Scotland produced an HRA which concluded the proposed works would not result in any likely significant effects (LSE) on the qualifying features of the Loch Creran SAC and Loch Creran MPA(NC) sites due to the following reasons:

- No in-water works will take place.
- No habitat removal/alteration during works due to works being restricted to the resurfacing of the existing A828 carriageway.

Activities undertaken on site could potentially have a temporary adverse impact on biodiversity in the area as a result of an increased vehicle presence and the potential for disturbance to protected species and pollution of habitats. However, works are restricted to the A828 carriageway and the number of construction vehicles and construction operatives required onsite is low given the scale and scope of works. In addition, any species in the area are likely to be accustomed to noise and visual disturbance pertaining to vehicle movements on the A828. The works are of short duration (10 nights) and will take place on a rolling programme throughout scheme extents. As such, potential for significant species disturbance in proximity to scheme extents is considered to be low.

There are no records of INNS within the footprint of the works. However, the native invasive perennial plant species rosebay willowherb has been recorded within the verges of the scheme extent. Works are restricted to the A828 carriageway and will not involve in-stream works, vegetation clearance, or earthworks. As no land take, site clearance, or material import is required, the risk of spreading invasive non-native or injurious plant species is low. However, operatives may encounter such plant species within adjacent verges, and relevant toolbox talks will be included in the SEMP as a precaution.

Pollution controls and good practice measures to reduce impacts of works on the local environment will be detailed in the SEMP and adhered to on site. Therefore, with the following mitigation measures in place, the risk of significant impacts on biodiversity are considered to be low:

- No in-water works will be permitted. Works will be strictly limited to areas required for access and works. Unnecessary encroachment onto terrestrial or aquatic areas will not be tolerated.
- All construction operatives will be briefed through toolbox talks prior to works commencing, which will be included in the SEMP. The toolbox talks will provide information on the legislation, general ecology, and best practice measures for relevant protected species.
- No tree felling will be permitted.
- Site personnel will remain vigilant for the presence of potentially unrecorded instances of invasive plants or injurious weeds in road verges throughout the works period; should any be identified in working areas, no works will take place within 7m of these areas until the BEAR Scotland Environment Team can provide further advice on additional mitigation measures.
- Site personnel will remain vigilant for the presence of any protected species throughout the works period. Should a protected species be noted during construction, works will temporarily halt until the species has sufficiently moved

on. Any sightings of protected species will be reported to the BEAR Scotland Environment Team.

- A 'soft start' will be implemented on site each day. This will involve switching on vehicles and checking under/around vehicles and the immediate work area for mammals prior to works commencing to ensure none are present and that there is a gradual increase in noise.
- Any excavations, exposed pipes/drains, or areas where an animal could become trapped (e.g., storage containers) will be covered over when not in use, at the end of each shift, and following completion of the works to avoid animals falling in and becoming trapped.
- Any artificial lighting used during periods of low light levels will be directional and will avoid spilling into sensitive areas and nearby habitat where possible.
- If fencing is utilised at any point during the works, a gap of 200mm from ground level will be provided, allowing free passage for mammals and preventing entrapment.

With the above mitigation measures in place, it is anticipated that any biodiversity effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Material assets and waste

There is potential for impacts as a result of resource depletion through use and transportation of new materials. However, materials will be sourced locally where possible and the following mitigation measures will be put in place:

- Materials will be sourced from recycled origins as far as reasonably practicable within design specifications.
- Care will be taken to order the correct quantity of required materials to prevent the disposal of unused materials.
- Where possible, minimal packaging will be requested on required deliveries to reduce unnecessary waste and production of packaging materials.

There is potential for impacts during works as a result of the improper storage or disposal of waste. The following mitigation measures will be put in place:

- The waste hierarchy (Reduce, Reuse, Recycle and Dispose) will be employed throughout the construction works.
- The subcontractor will adhere to waste management legislation and ensure they comply with their Duty of Care.

- Containment measures will be in place to prevent debris or pollutants from entering the surrounding environment.
- All road planings will be managed in accordance with SEPA Position Statement WAS-PS-07 (LRWA 3) and recycled in line with SEPA Guidance WAS-G-DEF-05 on End-of-Waste for Recycled Aggregates. The Contractor will be responsible for ensuring full compliance with these requirements.
- All wastes and unused materials will be removed from site in a safe and legal manner by a licensed waste carrier upon completion of the works. The appointed waste carrier will have a valid SEPA waste carrier registration, a copy of which will be provided to and retained by BEAR Scotland as early as possible.
- All appropriate waste documentation will be present on site and will be available for inspection. A copy of the Duty of Care paperwork will be provided and filed appropriately in accordance with the Code of Practice (as made under Section 34 of Environmental Protection Act 1990 as amended).
- Re-use and recycling of waste will be encouraged and undertaken where possible, and the subcontractor will be required to fully outline their plans and provide documentary evidence for waste arising from the works (e.g., waste carrier's licence, transfer notes, and waste exemption certificates).
- Staff will be informed that littering will not be tolerated. Staff will be encouraged to collect any litter seen on site.
- Waste will be transported in a safe and secure manner to prevent the release of contaminated material en-route.

With the above mitigation measures in place, it is anticipated that any material assets and waste effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Noise and vibration

Construction activities associated with the proposed scheme have the potential to generate noise and vibration through the use of plant, machinery, and construction vehicles. The closest property is located within 15m of the scheme with minimal existing acoustic screening. However, the works are not located within a CNMA, and the proximity of existing road space suggests that residents within the local area will have a degree of tolerance to noise and disturbance. The scheme will be completed over 10 days during nighttime working hours, with the aim of completing the noisiest works (e.g. planing) by 23:00. Works with the potential to induce worst-case scenario noise and vibration will also be intermittent, temporary, transient, and short-lived. Due to the short duration and localised nature of the works, the proposed scheme is

anticipated to result in temporary minor noise impacts during the construction programme.

The road surface is in a poor condition with a series of defects. Replacing the life expired surface course affords the benefits of a reduction in mid-to-high frequency traffic noise and a reduction in ground vibrations. As a result, upon completion of the work, noise associated with the movement of vehicles on the trunk road should decrease.

The following mitigation measures will be put in place:

- Local residents which are affected by the works will be notified in advance of the works, likely by a letter drop, which will contain details of the proposed timings and duration of the works, in addition to contact details for the Site Supervisor.
- The Best Practicable Means, as defined in Section 72 of the Control of Pollution Act 1974, will be employed at all times to reduce noise to a minimum.
- The local authority (Argyll and Bute Council) Environmental Health Officer (EHO) will be notified of the works.
- On-site construction tasks will be programmed to be as efficient as possible, with a view to limiting noise disruption to the local area.
- All site staff will receive the 'Being a Good Neighbour' toolbox talk.
- Where possible and where works will take place within 300m of residential properties and other sensitive receptors, the noisiest work operations (e.g., cold milling, using breakers (jackhammers), chipping hammers, use of rollers, etc.) will be completed before 23:00.
- Drop heights from vehicles and NRRM will be kept to a minimum to minimise noise when unloading.
- All plant, machinery and vehicles will be switched off when not in use.
- On-site construction tasks will be programmed to be as efficient as possible, within a view to limiting noise disruption to local sensitive receptors.
- All site personnel will be fully briefed in advance of works regarding the need to minimise noise during works and of the site-specific sensitivities.
- All plant will be operated in such a way that minimises noise emissions and will have been maintained regularly to the appropriate standards.
- Where fitted, and where permitted under Health and Safety requirements, white noise reversing alarms will be utilised during construction.

- Where ancillary plant such as generators are required, they will be positioned so as to cause minimum noise disturbance. Where deemed necessary, acoustic screens will be utilised.

With the above mitigation measures in place, it is anticipated that any noise and vibration effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Population and human health

During construction, activities undertaken on site have the potential to result in temporary adverse impacts on local residents, road users, and non-motorised road users (NMUs). TM will involve road closure during working hours (19:00 – 06:00) with amnesties at 20:00, 21:00, 22:00, 23:00, 00:00, 02:00 and 04:00. NMU facilities are located within the scheme extent; however, access for NMUs will be maintained throughout the works in accordance with a Pedestrian Management Plan and the majority of the works are being undertaken at night when footfall and cyclist counts are likely to be at its lowest.

Several residential properties are found within 300m of the scheme. The closest property lies within 15m of the A828 within the scheme extent and has minimal visual and acoustic screening. Although the works are being undertaken at night, potential for disturbance from noise, vibration and the additional construction lighting is limited. Disturbance to residents will be mitigated by the following measures; with these in place the risk of significant impacts on population and human health is considered to be low:

- Notification will be issued to local residents and local public transport operators prior to commencement of the works, advising of any proposed works and expected restrictions.
- Construction lighting will consider the need to avoid illuminating surrounding environment and properties to avoid a nuisance at night, and non-essential lighting will be switched off at night.
- Local access will be granted as required.
- Any changes of schedule (e.g. change from nighttime works to daytime works) will be communicated to travelling public throughout the programme.
- Appropriate provisions / measures will be implemented within the TM to allow the safe passage of NMUs of all abilities through the site as required.
- Journey planning information will be available for drivers online at the [trafficscotland.org](https://www.trafficscotland.org) website. Journey planning information will also be available for drivers online through BEAR's social media platforms.

With the above mitigation measures in place, it is anticipated that any population and human health effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Road drainage and the water environment

There is potential for temporary impacts on the water environment due to operation of plant within and within proximity to watercourses and/or drainage systems, which may lead to potential changes in water quality from pollution events (either by accidental spillage of sediments, particulate matter, chemicals, fuels or by mobilisation of these in surface water caused by rain).

No in-water works will take place and there is no requirement for the abstraction or transfers of water from, or discharges to, a waterbody. As such, the potential for a direct pollution incident within a waterbody is unlikely. Experience gained from BEAR maintenance schemes elsewhere on the network has shown that where standard good working practice is adopted (e.g., adherence to SEPA good practice guidance, utilisation of drain covers or similar, etc.), water quality is protected.

The works may result in potential direct or indirect effects on surrounding waterbodies. The following mitigation measures will be put in place to reduce the risk of pollution incidents as a result of works:

- No work has been identified that would require entering any surface waterbodies. If such a need were identified onsite, BEAR Scotland's Environmental Team will be contacted (before the works commence) to allow consideration of potential environmental effects.
- Standard working practices to comply with Environmental Authorisations (Scotland) Regulations (EASR) 2018 for works in or near water will be detailed in the SEMP and adhered to on site.
- No discharges into any watercourses or drainage systems will be permitted. Appropriate containment measures will be in place to prevent any loss of construction materials into the water environment.
- Appropriate measures will be implemented during resurfacing operations to limit the potential for wastes (i.e. road planings) and materials (i.e. new asphalt) to enter any gullies present on site. On completion of resurfacing operations, any gullies present on site will be visually checked to ensure they have not become blocked as a result of the scheme.
- An incident response (contingency) plan will be put in place to reduce the risk from pollution incidents or accidental spillages. All necessary containment

equipment, including suitable spill kits (for oil and chemicals) will be available on site, quickly accessible if needed, and staff trained in their use.

- All spills will be logged and reported. In the event of any spills into the water environment, all works will stop, and the incident will be reported to the project manager and the BEAR Scotland Environmental Team. SEPA will be informed of any such incident as soon as possible using the SEPA Pollution Hotline.
- All plant and equipment will be regularly inspected for any signs of damage and leaks. A checklist will be present to make sure that the checks have been carried out.
- Storage of hazardous material, oil and fuel containers will be distanced more than 10m away from any watercourses.
- If required, a designated refuelling area will be identified. Fuel bowzers will be stored on an impermeable area and will be fully bunded. This will be distanced more than 10m from any watercourses.
- During refuelling of smaller mobile plant, a funnel will be used, and drip trays will be in place. Care will be taken to reduce the chance of spillages. Spill kits will be quickly accessible to capture any spills should they occur. The ground / stone around the site of a spill will be removed, double bagged and taken off site as special waste.
- Generators and static plant may have the potential to leak fuel and / or other hydrocarbons and will have bunding with a capacity of 110%. If these are not bunded then drip trays will also be supplied beneath the equipment with a capacity of 110%.

With the above mitigation measures in place, it is anticipated that any road drainage and the water environment effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Climate

Construction activities associated with the proposed scheme works have the potential to cause local air quality impacts as a result of the emission of greenhouse gases through the use of vehicles and machinery, material use and production, and transportation of materials to and from site. The following mitigation measures will be put in place:

- BEAR Scotland will adhere to their Carbon Management Policy.
- The works will utilise warm mix asphalt (WMA) for binder layer in favour of hot mix asphalt (HMA) where possible.

- Local contractors and suppliers will be used as far as practicable to reduce fuel use and greenhouse gas emitted as part of the works.
- Where possible, materials will be sourced locally to reduce greenhouse gas emissions associated with materials movement, and waste will be removed to a local waste management facility.

With the above mitigation measures in place, it is anticipated that any climate effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

## Vulnerability of the project to risks

Areas of the A828 carriageway within the scheme extent are recorded as having high risk (10% chance each year) of coastal, surface water and small watercourse flooding. Works will be programmed as far as is reasonably practicable to avoid periods of adverse weather or heavy rainfall. There will be no increase to the likelihood of flooding on the A828 within the scheme extents upon completion of the works.

Works are restricted to the made ground of the A828 trunk road boundary and TM will be designed in line with existing guidance. TM will consist of road closure (19:00-06:00) with amnesties at 20:00, 21:00, 22:00, 23:00, 00:00, 02:00 and 04:00, using nighttime working. Where required, alternative NMU provisions/routes will be included in the TM setup, to minimise impact of the works on NMUs.

A Traffic Management Plan (TMP), which includes measures to avoid or reduce disruption to road traffic, will be produced in accordance with the Traffic Signs Manual (Department of Transport 2009). The TMP will ensure that there is no severance of community assets, access routes, or residential development.

These measures, along with mitigation measures and standard working practices, will be detailed in the SEMP and adhered to on site. The vulnerability of the project to risks of major accidents and disasters is considered to be low

## Assessment of cumulative effects

The proposed works are not anticipated to result in significant environmental effects. Due to the nature of the proposed works, no cumulative effects are anticipated with any other developments in the vicinity. A search of the Argyll and Bute Council Planning Portal ([Map Search](#)) identified no approved planning applications within 300m of the scheme extent within the last six months.

A search of the Scottish Roads Works Commissioner website ([Map Search](#)) has not identified any other works to be undertaken during the same period as proposed works. Due to the nature, scale, and location of the proposed works, lack of overlapping works; no cumulative environmental effects are anticipated in combination with other developments in the vicinity.

BEAR Scotland programme all of their proposed works in line with appropriate guidance and contractual requirements. All schemes are programmed to take into account existing and future planned works, with a view of limiting any cumulative effects relating to TM. As a result of this exercise, where a potential for cumulative impacts is identified, BEAR will reprogramme schemes to avoid / limit any cumulative effects or will utilise existing TM to complete multiple schemes at once. This approach allows BEAR Scotland to effectively manage the potential cumulative effects as a result of TM, resulting in minimal disruption to users of the Scottish trunk road network.

Overall, it is unlikely that the proposed works will have a significant cumulative effect with any other future works in the area.

## Assessments of the environmental effects

As detailed in the Description of Main Environmental Impacts and Proposed Mitigation section within this Record of Determination, there are no significant effects anticipated on any environmental receptors as a result of the proposed works.

An HRA was undertaken due to the scheme's proximity and ecological connectivity with the Loch Creran SAC and Loch Creran MPA(NC) which concluded that the works will not result in LSE on the designated features of the Loch Creran SAC and Loch Creran MPA(NC) and no further assessment is required.

## Statement of case in support of a Determination that a statutory EIA is not required

This is a relevant project in terms of section 55A(16) of the Roads (Scotland) Act 1984 as it is a project for the improvement of a road and the completed works (together with any area occupied by apparatus, equipment, machinery, materials,

plant, spoil heaps, or other such facilities or stores required during the period of construction) is situated in part within the Lynn of Lorn NSA, which is a sensitive area within the meaning of regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999.

The project has been subject to screening using the Annex III criteria to determine whether a formal Environmental Impact Assessment is required under the Roads (Scotland) Act 1984 (as amended by The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017). Screening using Annex III criteria, reference to consultations undertaken and review of available information has not identified the need for a statutory EIA.

The project will not have significant effects on the environment by virtue of factors such as:

**Characteristics of the scheme:**

- Works are restricted to like-for-like replacement of worn road surface, with all activities confined to the A828 trunk road boundary.
- Construction activities are restricted to area of 0.8418ha (along a 1,380m stretch of the A828).
- The works will be temporary, transient, localised, and completed during nighttime hours on a rolling programme by utilising road closure during working hours (19:00 – 06:00) with amnesties at 20:00, 21:00, 22:00, 23:00, 00:00, 02:00 and 04:00.
- Works are not expected to result in significant disturbance to protected species that may be present in the wider area.
- The risk of major accidents or disasters is considered to be low.
- Removing the carriageway defects will provide this part of the A828 carriageway with another life cycle, and significantly improve the ride quality, which will result in safer conditions for road users.
- No impacts to the environment are expected during the operational phase as a result of works. The works are expected to result in positive impacts on road users during the operational phase.

**Location of the scheme:**

- The scheme is fully located within the existing A828 road boundary (carriageway surface) with no requirement to access land adjacent to the carriageway and as such no land take is required.
- Ecological connectivity exists between proposed works and the Loch Creran SAC and Loch Creran MPA(NC). The HRA concluded that no LSE would occur on the qualifying features of these sites as a result of proposed works and no further assessment or consultation with NatureScot was required.

- The scheme is partially located within the Lynn of Lorn NSA. However, it was concluded that due to the like-for-like nature of the works there would be no adverse impact on the qualities of the park as a result of the proposed works.
- Pedestrian and NMU routes, including a cycle route and Core Path, are present within the scheme extents. Pedestrian/NMU access will be maintained during works.

**Characteristics of potential impacts of the scheme:**

- Any potential disturbance impacts of the works are expected to be temporary, short-term, non-significant, and limited to the construction phase.
- Measures will be in place to ensure appropriate removal and disposal of waste.
- No impacts on the environment are expected during the operational phase as a result of works. The works are expected to result in positive impacts on road users, ecological and human receptors during the operational phase.
- Works are programmed to be of short duration, and nighttime resurfacing works will be completed on a rolling programme, with the aim being to complete the noisiest works by 23:00.
- As the works will be limited to the like-for-like replacement of the trunk road surface; there is no change to the vulnerability of the road to the risk or severity of major accidents/disasters that would impact on the environment.
- Mitigation measures detailed above (and in the SEMP) will be put in place with the objective to prevent and, if required, subsequently control any potential impacts on sensitive receptors.
- In the event that INNS are found on site, measures to prevent potential INNS spread will be implemented.
- Any short-term impacts on pedestrians and NMUs are considered negligible.

## References of supporting documentation

*'F565 - HRA - A828 - North of Benderloch – Issue', 2026*

## Annex A

“sensitive area” means any of the following:

- land notified under sections 3(1) or 5(1) (sites of special scientific interest) of the Nature Conservation (Scotland) Act 2004
  - land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004
  - a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994
  - a property appearing in the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage
  - a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979
  - a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997
  - an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000.
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